

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-185935

DATE: August 2, 1976

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MATTER OF: Executive-Suite Services, Inc.

DIGEST:

Where bid by enterprise is signed by person designated as "Owner," and bidder certified operation as an individual, bidder is bound to perform contract work notwithstanding allegation that bidder did not legally exist in certain State since contract requires that contractor must obtain all licenses and permits required for prosecution of work.

Executive-Suite Services, Inc., protests the action of the Long Beach, California, Naval Shipyard in awarding a contract to G. Gene Austin Enterprises (Austin) under invitation for bids No. N62474-76-B-3745.

The Austin bid was signed by G. Gene Austin, whose title was designated as "OWNER." An address was set forth as well as an employer's identification number, the Federal social security number used on the firm's quarterly Federal tax return.

Executive-Suite contends that Austin did not legally exist as a bona fide business in the State of California or do business in Los Angeles County at the time of bid opening and could not be bound to perform the contract. To support this, Executive-Suite alleges that Austin had not complied with the provisions of the California Civil Code relating to businesses. Further, it is argued, the individual who signs the bid form, as merely a representative of the bidder, is not personally obligated or liable to perform the contract. Therefore, the protester believes the bid should have been rejected as nonresponsive.

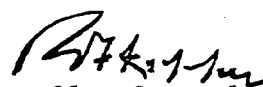
We find no merit in the protest. Even if the protester's allegations concerning the status of Austin at bid opening are true, this would not provide a basis to bar an award to Austin. The contract requires that, without additional expense to the Government, the contractor must obtain all licenses and permits

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required for the prosecution of the work. Also, there is no question here that the contract awarded to Austin required and obligated that bidder to perform the work. In this regard, the Austin bid represented and certified that the bidder operated as an individual. Furthermore, the Navy reports that the appropriate Defense Contract Administration Services Region conducted a preaward survey on Austin, reported affirmatively in all respects, and recommended award.

The protest is denied.

Deputy


Comptroller General
of the United States